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3600
38 Reg for Recs.
J. Smith
6/21/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Takahisa Ueda) Art Unit: 3108
Appln. No. : 08/581,050) Ex: D. DePumpo
Filed : December 27, 1995)
For : PACKING)

RECEIVED

JUN 15 2001

TO 3600 MAIL ROOM

REQUEST FOR RECONSIDERATION

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

It is respectfully requested that the decision dated May 10, 2001 in applicant's
PETITION UNDER 37 CFR 1.181 be reconsidered in view of the following:

- 1) In the decision it is stated that applicant could have requested a suspension of time under 37 CFR 1.53(d). That is true, except that any such request must be filed with the continuation application. But at the time that the continuation application was filed, applicant believed that the examiner would wait for the preliminary amendment. There was no reason to file such a request. That was applicant's belief as a result of the interview held prior to filing the continuation application;
- 2) It is also stated that the "examiner had no choice but to act upon the application when he did." Applicant cannot find any authority for this statement in 35 USC or 37 CFR. It seems to applicant that the examiner did have a choice, and decided not to exercise it, which now forces applicant to again refile the application. It is patently unfair to applicant to put him to the

expense of refiling this application when there was no requirement to do so.

It is respectfully requested that the decision rendered on May 10, 2001 be reversed and the preliminary amendment filed December 21, 2000 be entered and acted upon in this application.

Respectfully submitted,



Felix J. D'Ambrosio

Reg. No. 25,721

June 11, 2001

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